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15 *Counsel for Plaintiffs*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 CALIFORNIA TRIBAL FAMILIES COALITION,
YUROK TRIBE, CHEROKEE NATION, FACING
FOSTER CARE IN ALASKA, ARK OF
FREEDOM ALLIANCE, RUTH ELLIS CENTER,
20 and TRUE COLORS, INC.,

21 Plaintiffs,

22 v.

23 ALEX AZAR, in his official capacity as Secretary of
Health and Human Services, LYNN A. JOHNSON,
24 in her official capacity as Assistant Secretary for the
Administration for Children and Families, U.S.
25 DEPARTMENT OF HEALTH AND HUMAN
SERVICES, and ADMINISTRATION FOR
CHILDREN AND FAMILIES,

26 Defendants.

27 Case No. 3:20-cv-6018-MMC

28 **JOINT STIPULATED REQUEST AND
[PROPOSED] ORDER TO ENLARGE
BRIEFING SCHEDULE**

1 Pursuant to this Court's Standing Order (ECF No. 38-1) and Local Civil Rules 6-2 and 7-
2 12, the Parties hereby stipulate to and respectfully request entry of a Court order enlarging the
3 time for summary judgment briefing consistent with the following schedule:
4

- 5 • Plaintiffs' motion for summary judgment is due March 17, 2021.
- 6 • Defendants' combined opposition to Plaintiffs' motion and cross-motion for
summary judgment is due April 14, 2021.
- 7 • Plaintiffs' combined reply in support of their motion and opposition to Defendants'
cross-motion is due April 28, 2021.
- 8 • Defendants' reply in support of their motion is due May 12, 2021.

9
10 This is the third time modification request by the Parties. The Parties previously requested
11 (1) an enlargement of Defendants' deadline to file an answer and a certified copy of the
12 Administrative Record, and (2) an enlargement of the summary judgment briefing schedule due to
13 the obligations of Plaintiffs' Counsel in other matters, including five substantive filings and a
14 hearing on a motion to dismiss that was scheduled in the second half of January.

15 The Parties seek the present enlargement because Defendants have notified Plaintiffs that,
16 in light of the change in administration, the Defendants are reevaluating the rule at issue in this
17 case. Specifically, Defendants are considering reinstating the data elements that were included in
18 the 2016 rule, but were omitted from the 2020 rule and that are the subject of Plaintiffs' challenge
19 thereto. It would present the most efficient use of the Parties' and the Court's resources if
20 Defendants are provided additional time to complete their evaluation before commencing briefing.

21 The only effect on this Court's schedule will be to extend the conclusion of summary
22 judgment briefing by 30 days. Accordingly, the parties respectfully request that the Court enter
23 the proposed stipulated schedule.

24 IT IS SO STIPULATED.

25 Dated: February 9, 2021

Respectfully submitted,

26 By: /s/ Jeffrey B. Dubner
27 Jeffrey B. Dubner (DC Bar No. 1013399)
(admitted *pro hac vice*)
28 Kristen Miller (D.C. Bar. No. 229627)

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Dated: February 9, 2021

Respectfully submitted,

JOINT STIPULATED REQUEST TO ENLARGE
BRIEFING SCHEDULE
Case No. 3:20-cv-6018-MMC

1 DAVID L. ANDERSON
2 United States Attorney

3 /s/ Emmet P. Ong

4 EMMET P. ONG

5 Assistant United States Attorney

6 *Counsel for Defendants*

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[PROPOSED] ORDER

Pursuant to stipulation of the parties, IT IS SO ORDERED.

DATED: _____

HON. MAXINE M. CHESNEY
United States District Judge